

SENATE BILL No. 294

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-23-1; IC 8-23-20-25.

Synopsis: Changeable message signs. Requires the department of transportation to adopt rules authorizing the issuance of permits for changeable message signs.

Effective: July 1, 2007.

Landske

January 11, 2007, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

C
o
p
y



First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 294

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-23-1-14.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 14.3. (a) "Changeable message sign" means a sign**
4 **that satisfies all of the following:**

5 **(1) The message on the sign may be changed mechanically,**
6 **electronically, or by remote control.**

7 **(2) The static display on the face of the sign:**

8 **(A) does not display any illumination that moves, appears**
9 **to move, or changes in intensity; and**

10 **(B) lasts at least six (6) seconds.**

11 **(3) A message change takes no more than three (3) seconds.**

12 **(b) The term includes electronic billboards and trivision signs.**

13 SECTION 2. IC 8-23-1-20.5 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2007]: **Sec. 20.5 "Electronic billboard" means a programmable**
16 **sign capable of presenting a large amount of:**

17 **(1) text;**

C
o
p
y



1 (2) symbolic imagery; or

2 (3) both text and symbolic imagery.

3 SECTION 3. IC 8-23-1-42.5 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2007]: **Sec. 42.5. "Trivision sign" means a sign that displays**
6 **three (3) separate images sequentially by rotating triangular**
7 **cylinders.**

8 SECTION 4. IC 8-23-20-25 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. (a) The department
10 shall institute a permit system to regulate the erection and maintenance
11 of outdoor advertising signs along:

12 (1) the interstate and primary system, as defined in 23 U.S.C.
13 131(t) on June 1, 1991; and

14 (2) any other highways where control of outdoor advertising signs
15 is required under 23 U.S.C. 131.

16 (b) Except as provided in subsections (c) and (g), a sign may not be
17 erected, operated, used, or maintained in areas described in subsection
18 (a) unless the owner of the sign has obtained a permit under this
19 section.

20 (c) A permit is not required to erect, operate, use, or maintain the
21 following signs:

22 (1) Directional or official signs and notices.

23 (2) Signs advertising the sale or lease of the property on which the
24 sign is located.

25 (3) Signs that primarily indicate:

26 (A) the name of the business, activity, or profession
27 conducted;

28 (B) the types of goods produced or sold; or

29 (C) the services rendered;

30 on the property on which the sign is located.

31 (d) Signs in existence on July 1, 1993, and subject to this section:

32 (1) must comply with the registration system described in
33 subsection (h); and

34 (2) are subject to the permit requirement after the department has
35 made the determination described in subsection (g).

36 (e) The department shall adopt rules under IC 4-22-2 to carry out
37 this section. Rules adopted under this section may be no broader than
38 necessary to implement 23 U.S.C. 131 and 23 CFR 750.

39 (f) In addition to the requirements of subsection (e), rules adopted
40 under this section must provide the following:

41 (1) A list of all roadways subject to the permit requirement.

42 (2) A procedure to appeal adverse determinations of the

C
o
p
y



department under IC 4-21.5, including provisions for judicial review under IC 4-21.5.

(3) A one-time fee of one hundred dollars (\$100) per structure must accompany the permit application. A permit fee may not be charged to a sign that is subject to and complies with the registration system described in subsection (h).

(4) That a permit may not be issued for a sign erected in an adjacent area after January 1, 1968, unless:

(A) the sign is erected in an area described in section 5 of this chapter; or

(B) the permit is a conditional permit issued under subdivision (6).

(5) That a permit may not be issued for a sign erected after June 30, 1976, outside of urban areas, beyond six hundred sixty (660) feet of the right-of-way, visible from the traveled way, and erected with the purpose of a message being read from the traveled way, unless:

(A) the sign is erected in an area described in section 5 of this chapter; or

(B) the permit is a conditional permit issued under subdivision (6).

(6) For the issuance of a conditional permit for a nonconforming sign that has not been acquired under section 10 of this chapter. A conditional permit issued under this subdivision may be revoked if the department subsequently acquires the sign.

(7) That the department is granted the right to enter the real property on which a sign for which a permit under this section has been applied for or issued to perform reasonable examinations and surveys necessary to administer the permit system.

(8) The department may revoke any permit when it is found that the permittee has provided false or misleading information and that such a finding may be cause to subsequently refuse to issue a permit.

(9) That a permit may be issued for a changeable message sign that does not otherwise violate state or federal law or local ordinances or regulations.

~~(9)~~ **(10)** Any other provisions necessary to:

(A) administer this section; or

(B) avoid sanctions under 23 U.S.C. 131.

(g) A sign that is subject to and complies with the registration system described in subsection (h) may not be declared unlawful until the later of the following:

C
o
p
y



- 1 (1) The department has made a determination of permit eligibility
2 under this section.
3 (2) December 31, 1993.
4 (h) A separate application for registration must be submitted to the
5 department for each structure defined in subsection (d) and must:
6 (1) be on a form furnished by the department;
7 (2) signed by the applicant or an individual authorized in writing
8 to sign for the applicant;
9 (3) provide information concerning the size, shape, and nature of
10 the advertising sign, display, or device;
11 (4) provide the sign's actual location with sufficient accuracy to
12 enable the department to locate the sign; and
13 (5) include a one-time registration fee of twenty-five dollars
14 (\$25).
15 (i) A sign that is not registered before January 1, 1994, is a public
16 nuisance subject to section 26 of this chapter.
17 (j) Each registrant shall fasten to each advertising sign or device a
18 label or marker provided by the department that must be plainly visible
19 from the traveled way.

C
o
p
y

